

## REMARKS

In the Office Action mailed April 7, 2003 (the "Office Action"), the Patent Office acknowledged that claims 1-3, 11, 45, and 46 are pending and rejected claims 1-3, 11, 45, and 46 as allegedly being anticipated by Kuo *et al.* The Office Action was deemed final by the Patent Office. The two month deadline for filing a Response to provoke an Advisory Action is June 7, 2003, that day being a Saturday, the Response is timely if filed on or before Monday, June 09, 2003.

Claim 1 is amended herein without prejudice to future prosecution, without disclaimer of the subject matter, and without presumption that the actions are taken for any reason related to patentability.

### **Rejection of claims 1-14 under 35 U.S.C. § 112, second paragraph**

In the Office Action, the Patent Office withdrew its rejection of claims 1-14 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicants regard as their invention.

### **Rejection of claims 1-14 under 35 U.S.C. § 112, first paragraph**

In the Office Action, the Patent Office withdrew its rejection of claims 1-14 under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for amyloid  $\beta$  (1-42), allegedly does not reasonably provide enablement for any amyloid  $\beta$  protein to form a non-fibrillar product.

### **Rejection of claims 1, 2, 4, 6 and 7-14 under 35 U.S.C. § 102(b)**

In the Office Action, the Patent Office withdrew its rejection of claims 1, 2, 4, 6, and 7-14 under 35 U.S.C. § 102(b) as allegedly being anticipated by Levine *et al.*

### **Rejection of claims 1, 2, 7, 11, 13, and 14 under 35 U.S.C. § 102(b)**

In the Office Action, the Patent Office withdrew its rejection of claims 1, 2, 7, 11, 13, and 14 under 35 U.S.C. § 102(b) as allegedly being anticipated by Roher *et al.*

### **Rejection of claims 1-14 under 35 U.S.C. § 102(b)**

In the Office Action, the Patent Office maintained its rejection of claims 1, 2, 7, 11, 13, and 14 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kuo *et al.* This rejection is traversed for the reasons that follow in view of the amendments to claim 1, which are made merely to expedite prosecution of the present application and are made without prejudice to future prosecution, without disclaimer of any subject matter, and without presumption that the actions are taken for any reason related to patentability.

The invention as presently claimed is readily distinguishable from Kuo *et al.* As the Patent Office acknowledged in the Office Action, Kuo *et al.* allegedly describes complexes of amyloid  $\beta$ 1-42 and amyloid  $\beta$ 1-40.

In view of the foregoing, the applicants respectfully request reconsideration and withdrawal of the rejection of the pending claims under 35 U.S.C. § 102(b).

### **Double patenting rejection of claims 1-14**

In the Office Action, the Patent Office withdrew its rejection of claims 1-14 under the judicially-created doctrine of obviousness-type double patenting.

## CONCLUSION

The applicants respectfully request consideration of the remarks and entry of the amendments found herein, as well as reconsideration and withdrawal of the pending claim rejections. The deadline for responding to provoke an Advisory Action is June 7, 2003, that day being a Saturday, the Response is timely if filed on or before Monday, June 9, 2003. The Patent Office is invited to contact the undersigned at 312 913 2117, if it is believed that such would materially advance prosecution of the present application. The Patent Office is authorized to debit any fee underpayment or credit any fee overpayment occasioned by this response to Deposit Account No. 13-2490. The applicants believe that the application is in condition for allowance; prompt issuance of a Notice of Allowance is respectfully requested.

Date: June 9, 2003

Respectfully submitted,



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